

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

FILED  
JUN 10 2004  
CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
ATLANTA, GA 30333  
10:56  
*[Signature]*

UNITED STATES OF AMERICA,

PLAINTIFF

v.

TERRELL COUNTY, GEORGIA;  
WILBUR T. GAMBLE, JR., CHAIRMAN,  
TERRELL COUNTY BOARD OF  
COMMISSIONERS;  
JOHN W. BOWENS, SHERIFF;  
LARRY ATHERTON SR., LUCIUS  
HOLLOWAY, BOB RAINEY, BLAKE VANN,  
MEMBERS, TERRELL COUNTY BOARD OF  
COMMISSIONERS

DEFENDANTS

Case No. 1:04-cv-763 (WLS)

COMPLAINT

THE UNITED STATES OF AMERICA alleges:

1. The Attorney General files this complaint on behalf of the United States of America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997, to enjoin the named Defendants from depriving persons incarcerated at the Terrell County Jail, located in Dawson, Georgia, of rights, privileges, or immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. § 1345.

①

3. The United States is authorized to initiate this action pursuant to 42 U.S.C. § 1997a.

4. The Attorney General has certified that all pre-filing requirements specified in 42 U.S.C. § 1997b have been met. The Certificate of the Attorney General is appended to this Complaint and is incorporated herein.

5. Venue in the Middle District of Georgia is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant TERRELL COUNTY is a governmental subdivision created under the laws of the State of Georgia. The Terrell County Sheriff's Office is a division of the Terrell County government. The County owns and operates the Terrell County Jail ("TCJ"), located in Dawson, Georgia.

7. Defendant TERRELL COUNTY is the entity charged by the laws of the State of Georgia with authority to maintain the TCJ and is responsible for the conditions of confinement and health and safety of persons incarcerated at TCJ.

8. Defendant WILBUR T. GAMBLE, JR. is the Chairman of the TERRELL COUNTY BOARD OF COMMISSIONERS and serves as the chief administrator of the County government. Chairman GAMBLE is sued in his official capacity.

9. Defendant JOHN W. BOWENS is the Sheriff of the Terrell County Jail and is responsible for the day-to-day operations of TCJ. In his official capacity as Sheriff, he has the custody, control, and charge of the jail and inmates. Sheriff BOWENS is sued in his official capacity.

10. Defendants LARRY ATHERTON, LUCIUS HOLLOWAY SR., BOB RAINEY, and BLAKE VANN are members of the Terrell County BOARD OF COMMISSIONERS. As the County's governing authority, the Board has funding, claims resolution, and oversight powers over TCJ. The Defendant Board members ATHERTON, HOLLOWAY, RAINEY, and VANN are sued in their official capacities.

11. Defendants are legally responsible, in whole or in part, for the operation and conditions of TCJ, and for the health and safety of persons incarcerated in TCJ.

12. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

#### FACTUAL ALLEGATIONS

13. The Terrell County Jail is an institution within the meaning of 42 U.S.C. § 1997(1).

14. Persons confined to the Terrell County Jail include both pre-trial detainees and sentenced inmates.

15. Defendants have engaged in and continue to engage in a pattern or practice of failing to protect inmates at the Terrell County Jail from serious harm and undue risk of serious harm by, inter alia, failing to provide adequate safety, failing to provide adequate medical and mental health care, failing to provide adequate fire safety, and failing to provide sanitary living conditions.

16. The factual allegations set forth in paragraph 15 have been obvious and known to Defendants for a substantial period of time; yet Defendants have failed to address adequately the conditions described.

VIOLATIONS ALLEGED

17. Through the acts and omissions alleged in paragraphs 15 and 16, Defendants have exhibited deliberate indifference to the health and safety of Terrell County Jail inmates, in violation of the rights, privileges, or immunities of those inmates as secured or protected by the Constitution of the United States. U.S. Const. amend. VIII, XIV.

18. Unless restrained by this Court, Defendants will continue to engage in the acts and omissions set forth in paragraph 15 that deprive persons confined in the Terrell

County Jail of rights, privileges, or immunities secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

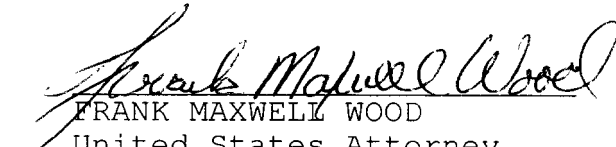
19. The Attorney General is authorized under 42 U.S.C. § 1997 to seek equitable and declaratory relief.


WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth in paragraph 15 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at the Terrell County Jail. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

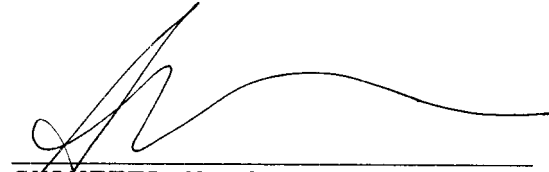
Respectfully submitted,

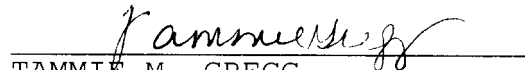
A handwritten signature in black ink, appearing to read "John Ashcroft", is written over a horizontal line.

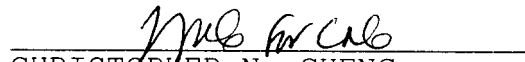
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CERTIFICATE OF THE ATTORNEY GENERAL

I, JOHN ASHCROFT, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. Terrell County, Georgia, I have complied with all subsections of 42 U.S.C. § 1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. § 1997b(a)(2). I further certify, pursuant to 42 U.S.C. § 1997b(a)(3), my belief that this action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

In addition, I certify that I have the "reasonable cause to believe," set forth in 42 U.S.C. § 1997a(a), to initiate this action. Finally, I certify that all prerequisites to the initiation of this suit under 42 U.S.C. § 1997, have been met.

Pursuant to 42 U.S.C. § 1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. § 1997b(b), I am personally signing this Certificate.

Signed this 19 day of May 2004, at Washington, D.C.

  
JOHN ASHCROFT  
Attorney General  
of the United States